

Watch List



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Subcommittee On Transportation Security & Infrastructures Protection

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AIR TRANSPORT ASSOCIATION

Thank you, Madame Chairman. The Air Transport Association and its member airlines welcome the opportunity to appear before you today to discuss the critical issues associated with aviation security “watch lists.”

In order to provide the committee with a complete picture, it may be helpful to begin with a chronology of the lists during the past seven years.

- In October 2001, prior to the creation of the Transportation Security Administration (TSA), the Federal Aviation Administration (FAA) issued the first “watch list” (containing a handful of names) of individuals identified by the FBI. These individuals were not to be allowed to board flights.
- Late in 2001, the list was divided by Security Directive into separate “No-Fly” and “Selectee” components. As the name implies, No-Fly listees were not to be permitted to board while selectees were to be subject to additional screening. Carrier requests for scripts as to what these individuals should be told were declined, first by the FAA and later by TSA.
- As the lists began to grow in 2002 and 2003, carriers were devoting more and more manpower to this effort. Consequently, many carriers began investing significant resources in information system modifications to automate this process. Two relevant asides are worth mention:
 - The carriers were required to use their best judgment in designing those systems, incorporating name variability programs to be certain they found similar names – but without government guidance or standards. Looking back, problems really began to compound themselves at this point when, absent government engagement, carriers began to develop highly variable systems, capabilities and procedures.
 - Point two, let me be frank: Due to the economics of the airline industry, the legacy information systems we are working with, while reliable, are cumbersome and expensive to modify. They are generally old technology, which adds complexity to the situation. While many carriers would, no doubt, welcome new systems, economic realities control new investment decisions.
- In 2003, many carriers went to work to develop “preclearance systems” – essentially reviewing each days anticipated passenger lists against the government’s lists, and pre-resolving any matches to the greatest extent possible. One carrier had approximately 35 full-time employees engaged in this process. Again, as more and more names were added, more efforts were made to automate this process. As a result, carriers incorporated their frequent flyer lists (which provided more detailed identification information) and therefore helped resolve uncertainties. These lists, of course, are highly proprietary and, as a result, being a frequent flyer on one carrier does not help clear a passenger traveling on another airline.
- Throughout 2002 and 2003, TSA indicated that its Computer Assisted Passenger Pre-Screening program (CAPPS II) was moving forward and would soon replace the carrier programs with a TSA risk-assessment and passenger-authentication program.
- As 2003 moved on to 2004, CAPPS II remained a promise. At the same time, TSA began modifying procedures and list formats, usually without industry consultation, resulting in frequent and redundant reprogramming in order to enable the loading of the modified lists.

- By 2004, CAPPS II had morphed into the newly promised Secure Flight – and TSA’s renewed commitment to take over the watch-list matching function. The carriers have made every effort to support this initiative, noting only their concern that Secure Flight be thoroughly vetted and tested to avoid further complications.
- Throughout this period, the lists had continued to grow – the No Fly and Selectee lists alone exceeded 145,000 names. Added to that, we now have a so-called “cleared list,” which TSA developed to respond to passengers who had been inconvenienced. Unfortunately again, with wide variations among carrier’ processing capabilities, passenger delays were inevitable. Given of the absence of TSA/industry consultation, the investments to develop robust carrier preclearance systems, the cleared list are next to useless.
- Over the past seven years we have worked with no fewer than five – TSA CAPPS II/Secure Flight program directors. Carriers have, as for 2007 (the last time we updated the data) spent some \$44 million maintaining, developing and operating screening systems. (We acknowledge this figure is imprecise, since these expenses are not tracked more closely.) We have participated in numerous teleconferences and provided personnel for literally dozens of meeting with the TSA, particularly seeking to advance first, CAPPS II, and then Secure Flight.

I am pleased to report that in recent months, TSA and airlines have been working closely to further reduce the number of passengers misidentified through the Watch List process. We know this is a difficult assignment for the TSA and for the airlines – and we are committed to ensuring that it is effective. The Department of Homeland Security (DHS) and TSA have now provided more detailed guidance as to functional system requirements; carriers have been authorized to incorporate date of birth information into their records to help address misidentifications; carriers have also redoubled their efforts to encourage customers to join their frequent flyer programs – which, for the most part, provides the optimal use of existing technology to avoid misidentification; TSA has provided a script for carrier use to advise passengers why they may not be able to check in on line or at a kiosk. Taken together these initiatives should help to further reduce passenger inconvenience.

We know too that TSA plans to begin to roll out Secure Flight, which may ultimately resolve the problem of watch list misidentification by early 2009. We are fully supportive of this effort – subject only to the caveat that it be fully vetted prior to implementation to assure that passenger pre-screening is truly improved. We urge this committee’s full and active engagement in the development and deployment of Secure Flight and thank you for the opportunity to appear today.